

RECEIVED
CENTRAL FAX CENTER
AUG 18 2005

PTO/SB/25 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
1039-1094 MISjd

In re Application of: Robert C. Brunham

Application No.: 09/647,948

Filed: December 6, 2000

For: DNA IMMUNIZATION AGAINST CHLAMYDIA INFECTION

The owner, University of Manitoba of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/964,670 filed on October 15, 2004 as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 24,873

Michael I. Stewart

Signature

August 18, 2005

Date

Michael I. Stewart

Typed or printed name

(416) 995-1156

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

PTO/SB/91 (05-04)

Approved for use through 07/31/2006. OMB 0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also PTO Form 3.78)

DATE August 18, 2005

DEPOSIT ACCOUNT ORDER FORM

This form is to be used only for orders, the costs of which are to be charged against United States Patent and Trademark Office (USPTO) Deposit Accounts. IT MUST NOT BE USED FOR orders when payment is made by cash, checks, credit cards, or coupons. In addition, it should not be used for ordering printed copies of U.S. Patents. Use a separate form for each of the following types of service ordered: Recordings, Reproductions, Title Reports, Translations. Mail to: Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

NAME AND ADDRESS FOR DEPOSITOR

Sim & McBurney
6th Floor, 330 University Avenue
Toronto, Ontario, M5G 1R7.

ACCOUNT NUMBER
192253YOUR ORDER NUMBER
1038-1094 MIS:jb

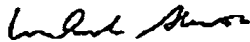
DESCRIPTION OF ARTICLES FOR SERVICE TO BE FURNISHED

FOR OFFICE USE ONLY

The Director is hereby authorized to charge the Terminal Disclaimer fee in the amount of \$130.00 to our Deposit Account Number 192253.

If additional space is needed attach separate sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

August 18, 2005

Date

Michael I. Stewart

Typed or Printed Name

24,973

Registration Number, if applicable

For prompt, accurate shipment please complete the following mailing label - please print or type.

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL BUSINESS

Return after five days

Michael I. Stewart

(Name)

6th Floor, 330 University Avenue

(Street Address)

Toronto, Ontario, M5G 1R7.

(City, State, Zip Code)

1038-1094 MIS:jb

YOUR ORDER NUMBER

This collection of information is required by 37 CFR 1.26. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

United States Patent and Trademark Office
- Sales Receipt -

09/02/2005 DWILLIA1 00000002 192253 09647946

01 FC:1814 130.00 DA